



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 24, 1992

Mr. Leland B. Kee
Chairman, Board of Directors
Brazoria County Appraisal District
500 North Chenango
Angleton, Texas 77515

OR92-429

Dear Mr. Kee:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, V.T.C.S. article 6252-17a. Your request was assigned ID# 16605.

You have received a request for information relating to applications for the position of chief appraiser with the Brazoria County Appraisal District Board of Directors. The requestor seeks "[a] list of names of persons who have applied for the position of chief appraiser," and a list of, "current or previous place of employment as well as current address." You claim that the requested information is excepted from required public disclosure by Open Records Act sections 3(a)(1) and 3(a)(2).

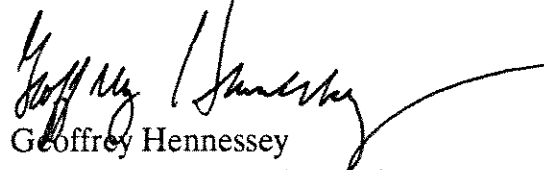
Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Section 3(a)(1) excepts information if its release would cause an invasion of privacy under the test articulated by the Texas Supreme Court in *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Information may be withheld on common law privacy grounds only if it is highly intimate or embarrassing and is of no legitimate concern to the public. The test for constitutional privacy involves balancing the individual's privacy interests against the public's need to know information of public concern. *Industrial Found.*, 540 S.W.2d at 685. The constitutional right of privacy protects information relating to marriage, procreation, contraception, family relationships, child rearing, and education. Open Records Decision No. 447 (1986) at 4. Section 3(a)(2) protects personnel file information only if its release would cause an invasion of privacy under the test articulated for section 3(a)(1) of the act by the Texas Supreme Court

in *Industrial Found.*, 540 S.W.2d 668. See *Hubert v. Harte-Hanks Texas Newspapers*, 652 S.W.2d 546 (Tex. App.--Austin 1983, writ ref'd n.r.e.); see also Open Records Decision No. 441 (1986).

We have examined the information submitted for our review and conclude that it is not highly intimate or embarrassing and is of legitimate public concern. It does not involve the highly intimate interests protected by the doctrine of constitutional privacy. This office has concluded that similar information is not protected under sections 3(a)(1) and 3(a)(2). Personnel information previously held by this office not to be protected by common law and constitutional privacy interests includes, for example, dates of employment, kind of work, and job performance or ability. See Open Records Decision No. 455 (1987); see also Open Records Decision Nos. 470, 467 (1987); 444 (1986); 421 (1984); 405 (1983). See Open Records Decision Nos. 336 (1982); 298, 284 (1981). Accordingly, the requested information may not be withheld under Open Records Act sections 3(a)(1) and 3(a)(2) and must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-429.

Yours very truly,



Geoffrey Hennessey
Assistant Attorney General
Opinion Committee

GH/GCK/lmm

Ref.: ID# 16605
ID# 16775

cc: Mr. Guy Lawrence
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